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| EXAMINER | |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/675,385 | KARAOGUZ ET AL. | |
| | Examiner | Art Unit | |
| | PATRICK A. RYAN | 2427 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *14 February 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This Office action is made in response to Amendment after Non-Final Rejection, filed February 14, 2011 ("Reply"). Applicant has amended Claims 1 and 11-21; no claims have been added; and no claims have been canceled. As amended, Claims 1-34 are presented for examination.

2. In Office action mailed September 13, 2010 ("Office Action"):

Claims 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. United States Patent (6,774,926 B1), hereinafter "Ellis" in view of Walker et al. United States Patent Application Publication (2001/0034708 A1), hereinafter "Walker" in view of Russell et al. United States Patent Application Publication (2002/0069420 A1), hereinafter "Russell".

Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Ellis, Walker, and Russell as applied to Claim 1, in further view of Ozzie et al. United States Patent (6,640,241 B1), hereinafter "Ozzie".

### *Response to Arguments*

3. Applicant's arguments, see Reply top of Page 11, with respect to the rejection of Claims 11-20 under 35 U.S.C. 101 have been fully considered, but are not persuasive. Further explanation is provided below.

4. Applicant's remaining arguments, see Reply Pages 11-12, have been considered but are moot in view of the new grounds of rejection.

## *Claim Rejections - 35 USC § 101*

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 11-20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The United States Patent and Trademark Office (USPTO) is obliged to give claims their broadest reasonable interpretation consistent with the specification during proceedings before the USPTO. See In re Zletz, 893 F.2d 319 (Fed. Cir. 1989) (during patent examination the pending claims must be interpreted as broadly as their terms reasonably allow). The broadest reasonable interpretation of a claim drawn to a computer readable media (also called machine readable medium and other such variations) typically covers forms of non-transitory tangible media and transitory propagating signals per se in view of the ordinary and customary meaning of computer readable media, particularly when the specification is absent an explicit definition or is silent. See MPEP 2111.01. When the broadest reasonable interpretation of a claim covers a signal per se, the claim must be rejected under 35 U.S.C. § 101 as covering non-statutory subject matter. See In re Nuijten, 500 F.3d 1346, 1356-57 (Fed. Cir. 2007) (transitory embodiments are not directed to statutory subject matter) and Interim

Examination Instructions for Evaluating Subject Matter Eligibility Under 35 U.S.C. § 101, Aug. 24, 2009; p. 2.

Claims 11-20 set forth a "computer system having stored thereon, a computer program…" However, Paragraph [98] of the instant application sets forth that "…the present invention may be realized in hardware, software, or a combination of hardware and software." In light of the specification, the claimed "computer system" could be embodied as purely software. Therefore, since the claims and supporting specification do not explicitly limit embodiments of the computer system to non-transitory embodiments, it is the Examiner's position that the broadest reasonable interpretation of the claimed "computer system" would include a signal per se.

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claims 1-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. United States Patent (6,774,926 B1), hereinafter "Ellis" in view of Walker et al. United States Patent Application Publication (2001/0034708 A1), hereinafter "Walker" in view of Russell et al. United States Patent Application Publication (2002/0069420 A1), hereinafter "Russell" in view of McKissick et al. (WO 00/13415 "McKissick") in view of

Ozzie et al. United States Patent (6,640,241 B1), hereinafter "Ozzie" in view of Bavadekar (US 7,117,267 B2).

9. In regards to Claim 1, Ellis teaches a method for providing media in a communication network (the method generally shown in Figs. 15-18 for operating the communications network of Fig. 1 that is further detailed in Fig. 7, as described in Col. 7 Line 33—Col. 8 Line 16, Col. 13 Lines 56-60, and Col. 14 Lines 34-39), the method comprising:

communicating between a first location and a web server of a non-broadcast channel provider, said web server being located at a third location (Contributor ("first location") at User Equipment 34 of Fig. 1 (also shown as element 102 of Fig. 7) in communication with Program Schedule Database 54 ("third location") over Communications Network 40, as shown in Fig. 1 and described in Col. 3 Line 55—Col. 4 Line 41, Col. 4 Lines 59—Col. 5 Line 5. Where communication facilitated by the interface of Fig. 14, as described in Col. 11 Line 46—Col. 12 Line 16);

selecting, at said first location, media offered by the non-broadcast channel provider, said media residing at a fourth location (interface of Fig. 14 allowing the Contributor to specify the location of the programming to be uploaded or provided in real time, as described in Col. 11 Lines 60-64; with further reference to Server 112 ("fourth location") of Fig. 7, as described in Col. 10 Lines 17-32);

generating a request from said first location (Contributor schedules programming at Step 220 of Fig. 15 using the interface of Fig. 14, as described in Col. 12 Lines 26-43; with further reference to Col. 3 Lines 55-66) to receive, at a second location that is

remote to the first location, said media provided by said non-broadcast channel provider (Viewer ("second location") at User Equipment 38 of Fig. 1 (also shown as element 104 of Fig. 7) receiving media from Server 112 according to the schedule provided by Program Schedule Database 54 in accordance with the method of Fig. 17, as described in Col. 13 Line 54—Col. 14 Line 33);

sending the generated request from said web server at said third location to a media exchange server at a fifth location via the communication network that comprises Internet infrastructure (receive video at intermediate transmission facility at Step 224 of Fig. 15, such as Server 116 ("fifth location") of Fig. 7, as described in Col. 12 Lines 44-46), the media exchange server providing device ID registration (internet address information, as described in Col. 13 Line 66—Col. 14 Line 11), channel/program setup and management (interactive television program guide, as described in Col. 8 Line 37—Col. 9 Line 60), and device IP registration (internet address information, as described in Col. 13 Line 66—Col. 14 Line 11);

providing, from said first location, authorization information to said web server of said non-broadcast channel provider, said web server at said third location providing said authorization information to said media exchange server at said fifth location via the Internet infrastructure (Contributor establishes a password for personal television channel in Option 200 of Fig. 14 to ensure that only the Contributor is able to modify the data associated with the personal channel, as described in Col. 11 Lines 53-64); and

receiving, at said second location, said media from a storage location at said fourth location, the media exchange server arranging for the storage location to push

said media from said fourth location to said second location (Program Schedule Database 54 provides media to Viewer according to schedule established by Contributor in accordance with Steps 238-248 of Figs. 17-18, as described in Col. 14 Lines 14-61; wherein the video may be received at an intermediate transmission facility, such as Server 112, as described in Col. 12 Lines 43-46).

Ellis describes a media exchange server, such as Server 116, acting as an intermediate transmission facility for the Contributor and the Data Storage Facility 52 in order to provide media to the Viewer (as described in Col. 12 Lines 43-57), but does not explicitly disclose the media exchange server providing billing and service tracking, and serving as a proxy for anonymity; and receiving the media at the second location while keeping user and network details corresponding to said second location anonymous with respect to said web server at said third location and said storage location at said fourth location, the media exchange server serving as a proxy between at least said second location, said web server at said third location and said storage location at said fourth location.

In a similar field of invention, Walker teaches a system and method for establishing anonymous communications between a plurality of party terminals, a plurality of requestor terminals, and a central controller (Abstract). Walker describes Central Controller 200 serving as a proxy by controlling the flow of data to and from Party Terminals 300 and Requester Terminals 400, while maintaining the anonymity of the Party and Requester terminals (as described in Paragraphs [0046-0052, 0056, 0058, 0163] and as shown in Figs. 1 and 2A). Walker additionally discloses Central

Controller 200 acting as a media exchange server (as described in Paragraph [0052]; with further reference to Storage Device 250 of Fig. 2A). Walker also teaches that Central Controller 200 "debits the requestor's billing account stored in Database 275 and transmits a bill to the requester" (Paragraph [0171]).

Both Ellis and Walker demonstrate similar techniques of providing multimedia content using a media exchange server. Ellis teaches a media exchange server, such as Server 116, acting as an intermediate transmission facility for the Contributor and the Data Storage Facility 52 in order to provide media to the Viewer. Walker teaches Central Controller 200 acting as a media exchange server and additionally demonstrates the server acting as a proxy to provide anonymous communication between Party and Requester terminals. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis to operate as a proxy for anonymous communication, as taught by Walker, in order to protect the identity of the communicating parties (as Walker suggests in Paragraphs [0008-0009]).

The combination of Ellis and Walker teaches a media exchange server, but does not explicitly disclose the media exchange server providing digital rights management.

In a similar field of invention, Russell teaches a system and method for delivery of electronic content to recipient processors, such as a movie rental (Abstract). Russell's system includes Main Server 12 of Figs. 1 and 2, which functions as a media exchange server (as described in Paragraphs [0004, 0032]). Russell additionally

discloses that Main Server 12 provides licenses to decrypt multimedia content protected by digital rights management technology (as disclosed in Paragraph [0097]).

Each of Ellis, Walker, and Russell demonstrate similar techniques for providing multimedia content using a media exchange server. Russell additionally teaches using a media exchange server to provide digital rights management. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis and Walker to include digital rights management, as taught by Russell, in order to prevent the content from being decrypted without a valid and enabled license (as Russell discussed in Paragraph [0013]).

However, the combination of Ellis, Walker, and Russell does not explicitly disclose originally entering payment information at the first location to receive, at the second location, said media provided by said non-broadcast channel provider; and providing the payment information to said media exchange server.

In a similar field of invention, McKissick teaches a method and system for facilitating communication between multiple end users of a cable television network (Abstract). McKissick further discloses originally entering payment information at the first location to receive, at the second location, said media provided by said non-broadcast channel provider; and providing the payment information to said media exchange server (set-top box application may provide user with an opportunity to send a gift to another user of user television equipment by way of the interface of Fig. 21, as described on Page 53 Line 5—Page 55 Line 13; with further reference to the method of Fig. 23, as described on Page 53 Line 32—Page 57 Line 23).

Each of Ellis, Walker, Russell, and McKissick demonstrate similar techniques for providing multimedia content using a media exchange server. McKissick further demonstrates the known technique of providing media content from a first location to a second location, where the content is paid for at the first location. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the technique of Ellis, Walker, and Russell to include the program gifting technique of McKissick in order to raise revenue for the media producers.

However, the combination of Ellis, Walker, Russell, and McKissick does not explicitly demonstrate storing said media at said fourth location while the second location is busy; transferring said media from said fourth location to said second location when the second location in no longer busy;

In a similar field of invention, Ozzie teaches a method and system including a presence mechanism that maintains and distributes network connection status information (Abstract). In particular, Ozzie discloses that Device Presence Server 812 can be employed to ascertain whether an intended destination is online or offline (Col. 16 Lines 64-66; with further reference to Fig. 8). Additionally, Ozzie teaches that if a destination is offline, the communications can be made via Relay 814, which then forwards the message to its destination when it returns online (as described in Col. 16 Line 66—Col. 17 Line 30).

Each of Ellis, Walker, Russell, McKissick, and Ozzie demonstrate a technique for providing multimedia content using a media exchange server, where information is communicated between peer devices by way of the media exchange server. Ozzie

similarly demonstrates a method and system for facilitating communication between peer devices and additionally demonstrates the known concept of storing data when an intended destination is offline and forwarding the data when the destination is online. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis, Walker, and Russell to include the teachings of Ozzie in order to prevent unnecessary data transmission to a device that is not actively connected to a network, which would conserve network bandwidth.

However, Ozzies only explicitly describes “online” and “offline” states and does not explicitly demonstrate the second location in a “busy” state.

In a similar field of invention, Bavadekar teaches a system and method for two-way communication channels between entities of a network (Abstract). Bavadekar further demonstrates the known use of store-forward techniques when a client device is busy or offline (as described in Col. 2 Lines 51—Col. 3 Line 3).

Both Ozzies and Bavadekar teach similar store-and-forward techniques for use in a network messaging system. Bavadekar further demonstrates the typical use of the store-and-forward technique when a client device is busy. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the technique of Ellis, Walker, Russell, McKissick, and Ozzie to include the a store-and-forward technique accounting for a client device being in a busy state, as taught by Bavadekar, in order to increase the versatility of the media distribution system.

10. In regards to Claim 2, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 1, comprising presenting a representation of said transferred received media in one or both of a media guide and/or a channel guide at said first location and/or said second location (Ellis teaches Provide Schedules and Program Information at Step 238 of Fig. 17, as described in Col. 14 Lines 24-33; with further reference to the Interactive Television Program Guide of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8).

11. In regards to Claim 3, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 1, comprising consuming said received media at said second location (Ellis teaches user television equipment, such as a set-top box, displays the selected program upon selection, as described in Col. 9 Lines 48-67; with further reference to Col. 7 Lines 33-57).

12. In regards to Claim 4, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 1, comprising requesting that said received media be transferred from said storage location to said second location (Ellis teaches redistribution of program content from Server 112 to Viewer at User Equipment 104, as described in Col. 7 Lines 38-47, in accordance with Steps 238-248 of Figs. 17-18, as described in Col. 14 Lines 14-61).

13. In regards to Claim 5, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 4, comprising transferring an identifier of said second location to said non-broadcast channel provider (Ellis teaches Viewer at User Equipment 104 can be required to enter a password in

order to gain access to a personal media channel, as disclosed in Col. 11 Line 53—Col. 12 Line 16, in accordance with Step 248 of Fig. 18, as described in Col. 23-35).

14. In regards to Claim 6, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 4, comprising presenting a representation of said transferred received media in one or both of a media guide and/or a channel guide at said second location (Ellis teaches Provide Schedules and Program Information at Step 238 of Fig. 17, as described in Col. 14 Lines 24-33; with further reference to the Interactive Television Program Guide of Fig. 9, as described in Col. 9 Line 1—Col. 10 Line 8).

15. In regards to Claim 7, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 4, wherein said media is consumed at said second location (Ellis teaches user television equipment, such as a set-top box, displays the selected program upon selection, as described in Col. 9 Lines 48-67; with further reference to Col. 7 Lines 33-57).

16. In regards to Claim 8, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 4, wherein said non-broadcast channel provider authorizes said storage location to transfer said media to one or both of said first location and/or said second location (Ellis teaches Viewer at User Equipment 104 can be required to enter a password in order to gain access to a personal media channel hosted by Data Storage Facility 52, as disclosed in Col. 11 Line 53—Col. 12 Line 16, in accordance with Step 248 of Fig. 18, as described in Col. 23-35).

17. In regards to Claim 9, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 1, comprising: providing, at each of said first location and said second location, a respective media management software platform that provides user interface functionality (Ellis teaches interactive television program guide, as described in Col. 8 Line 37—Col. 9 Line 60), distributed storage functionality (data storage, as described in Col. 4 Line 19—Col. 5 Line 22), networking functionality (Ellis teaches interactions with communications network, as described in Col. 3 Lines 8-54), automatic control of media peripheral devices (Ellis teaches peripherals such as Video Camera 66 interfacing with STB 62, as described in Col. 5 Lines 23-43 and shown in Fig. 3), automatic status monitoring of said media peripheral devices and inter-location media processing system routing selection (Ellis teaches management of the distribution of video in real time or to suitable storage devices, as described in Col. 6 Lines 1-22).

18. In regards to Claim 10, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 9, comprising: providing a speech recognition engine that is configured to receive input speech and to employ said input speech to control said media management software platform (Ellis teaches the acceptance of voice commands, as described in Col. 11 Lines 38-44).

19. In regards to Claim 32, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 1, comprising:

communicating, via the Internet infrastructure, between the media exchange server and the storage location (Ellis teaches Communications Network 40 of Fig. 1,

similarly shown as 106 in Fig. 7, which can be the Internet, as described in Col. 3 Lines 8-54 and Col. 10 Lines 17-32);

tracking billing and services by the media exchange server (Walker teaches tracking of billing and services, as disclosed in Paragraph [0171]); and

providing program setup and management by the media exchange server (Ellis teaches that the video may be received at an intermediate transmission facility, such as Server 112, as described in Col. 12 Lines 43-46).

20. In regards to Claim 33, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 1, comprising:

selecting, at said second location, different media offered by said non-broadcast channel provider, said different media residing at said fourth location (interface of Fig. 14 allowing the Contributor to specify the location of the programming to be uploaded or provided in real time, as described in Col. 11 Lines 60-64; with further reference to Server 112 ("fourth location") of Fig. 7, as described in Col. 10 Lines 17-32);

receiving, at said first location, said different media from said storage location at said fourth location, said media exchange server arranging for the storage location to push said media from said fourth location to said first location (Program Schedule Database 54 provides media to Viewer according to schedule established by Contributor in accordance with Steps 238-248 of Figs. 17-18, as described in Col. 14 Lines 14-61; wherein the video may be received at an intermediate transmission facility, such as Server 112, as described in Col. 12 Lines 43-46) while keeping user and network details corresponding to said first location anonymous with respect to said web

server at said third location and said storage location at said fourth location, said media exchange server serving as a proxy between at least said first location, said web server at said third location and said storage location at said fourth location (Walker teaches Central Controller 200 serving as a proxy by controlling the flow of data to and from Party Terminals 300 and Requester Terminals 400, while maintaining the anonymity of the Party and Requester terminals, as described in Paragraphs [0046-0052, 0056, 0058, 0163] and as shown in Figs. 1 and 2A).

21. In regards to Claim 34, the combination of Ellis, Walker, Russell, McKissick, Ozzie, and Bavadekar teaches the method according to Claim 1, comprising:

temporarily storing said media at said storage location if said second location is offline; and after said second location subsequently goes online, pushing said media to said second location (Ozzie discloses that Device Presence Server 812 can be employed to ascertain whether an intended destination is online or offline, as described in Col. 16 Lines 64-66; with further reference to Fig. 8. Additionally, Ozzie teaches that if a destination is offline, the communications can be made via Relay 814, which then forwards the message to its destination when it returns online, as described in Col. 16 Line 66—Col. 17 Line 30).

22. In regards to Claim 11, Ellis teaches a computer system having stored thereon, a computer program having at least one code section that provides media in a communication network (Servers, such as Server 112 or 116, performing tasks related to supporting personal television channel programming in accordance with the methods

of Figs. 17 and 18, as described in Col. 13 Lines 56-60 and Col. 14 Lines 34-39), the at least one code section being executable by computing system for causing the computing system to perform steps comprising:

setting up communications between a first location and a web server of a non-broadcast channel provider over the communication network, said web server residing at a third location (Contributor at User Equipment 34 ("first location") of Fig. 1 (also shown as element 102 of Fig. 7) in communication with Program Schedule Database 54 ("third location") over Communications Network 40, as shown in Fig. 1 and described in Col. 3 Line 55—Col. 4 Line 41, Col. 4 Lines 59—Col. 5 Line 5. Where communication facilitated by the interface of Fig. 14, as described in Col. 11 Line 46—Col. 12 Line 16);

selecting, at said first location, media offered by the non-broadcast channel provider, said media residing at a fourth location (interface of Fig. 14 allowing the Contributor to specify the location of the programming to be uploaded or provided in real time, as described in Col. 11 Lines 60-64; with further reference to Server 112 ("fourth location") of Fig. 7, as described in Col. 10 Lines 17-32);

generating a request from the first location (Contributor schedules programming at Step 220 of Fig. 15 using the interface of Fig. 14, as described in Col. 12 Lines 26-43; with further reference to Col. 3 Lines 55-66) to receive, at a second location that is remote to the first location, said media provided by said non-broadcast channel provider (Viewer at User Equipment 38 of Fig. 1 (also shown as element 104 of Fig. 7) receiving media from Server 112 according to the schedule provided by Program Schedule Database 54 in accordance with the method of Fig. 17, as described in Col. 13 Line

54—Col. 14 Line 33) the generated request being sent from said web server at said third location to a media exchange server at a fifth location via the communication network that comprises Internet infrastructure (receive video at intermediate transmission facility at Step 224 of Fig. 15, such as Server 116 ("fifth location") of Fig. 7, as described in Col. 12 Lines 44-46), wherein the media exchange server provides device ID registration (internet address information, as described in Col. 13 Line 66—Col. 14 Line 11), channel/program setup and management (interactive television program guide, as described in Col. 8 Line 37—Col. 9 Line 60), and device IP registration (internet address information, as described in Col. 13 Line 66—Col. 14 Line 11); and

providing, from said first location, authorization information to said web server of said non-broadcast channel provider, said web server at said third location providing said authorization information to said media exchange server at said fifth location via the communication network (Contributor establishes a password for personal television channel in Option 200 of Fig. 14 to ensure that only the Contributor is able to modify the data associated with the personal channel, as described in Col. 11 Lines 53-64), wherein said request and said authorization information received by said media exchange server at said fifth location cause the media exchange server to arrange for pushing of said media from a storage location at said fourth location to said second location (Program Schedule Database 54 provides media to Viewer according to schedule established by Contributor in accordance with Steps 238-248 of Figs. 17-18, as described in Col. 14 Lines 14-61; wherein the video may be received at an

intermediate transmission facility, such as Server 112, as described in Col. 12 Lines 43-46).

Ellis describes a media exchange server, such as Server 116, acting as an intermediate transmission facility for the Contributor and the Data Storage Facility 52 in order to provide media to the Viewer (as described in Col. 12 Lines 43-57), but does not explicitly disclose the media exchange server providing billing and service tracking, and serving as a proxy for anonymity; and receiving the media at the second location while keeping user and network details corresponding to said second location anonymous with respect to said web server at said third location and said storage location at said fourth location, the media exchange server serving as a proxy between at least said second location, said web server at said third location and said storage location at said fourth location.

In a similar field of invention, Walker teaches a system and method for establishing anonymous communications between a plurality of party terminals, a plurality of requestor terminals, and a central controller (Abstract). Walker describes Central Controller 200 serving as a proxy by controlling the flow of data to and from Party Terminals 300 and Requester Terminals 400, while maintaining the anonymity of the Party and Requester terminals (as described in Paragraphs [0046-0052, 0056, 0058, 0163] and as shown in Figs. 1 and 2A). Walker additionally discloses Central Controller 200 acting as a media exchange server (as described in Paragraph [0052]; with further reference to Storage Device 250 of Fig. 2A). Walker also teaches that

Central Controller 200 “debits the requestor's billing account stored in Database 275 and transmits a bill to the requester” (Paragraph [0171]).

Both Ellis and Walker demonstrate similar techniques of providing multimedia content using a media exchange server. Ellis teaches a media exchange server, such as Server 116, acting as an intermediate transmission facility for the Contributor and the Data Storage Facility 52 in order to provide media to the Viewer. Walker teaches Central Controller 200 acting as a media exchange server and additionally demonstrates the server acting as a proxy to provide anonymous communication between Party and Requester terminals. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis to operate as a proxy for anonymous communication, as taught by Walker, in order to protect the identity of the communicating parties (as Walker suggests in Paragraphs [0008-0009]).

The combination of Ellis and Walker teaches a media exchange server, but does not explicitly disclose the media exchange server providing digital rights management.

In a similar field of invention, Russell teaches a system and method for delivery of electronic content to recipient processors, such as a movie rental (Abstract). Russell's system includes Main Server 12 of Figs. 1 and 2, which functions as a media exchange server (as described in Paragraphs [0004, 0032]). Russell additionally discloses that Main Server 12 provides licenses to decrypt multimedia content protected by digital rights management technology (as disclosed in Paragraph [0097]).

Each of Ellis, Walker, and Russell demonstrate similar techniques for providing multimedia content using a media exchange server. Russell additionally teaches using a media exchange server to provide digital rights management. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis and Walker to include digital rights management, as taught by Russell, in order to prevent the content from being decrypted without a valid and enabled license (as Russell discussed in Paragraph [0013]).

However, the combination of Ellis, Walker, and Russell does not explicitly disclose originally inputting payment information at the first location to receive, at the second location, said media provided by said non-broadcast channel provider; and providing the payment information to said media exchange server.

In a similar field of invention, McKissick teaches a method and system for facilitating communication between multiple end users of a cable television network (Abstract). McKissick further discloses originally entering payment information at the first location to receive, at the second location, said media provided by said non-broadcast channel provider; and providing the payment information to said media exchange server (set-top box application may provide user with an opportunity to send a gift to another user of user television equipment by way of the interface of Fig. 21, as described on Page 53 Line 5—Page 55 Line 13; with further reference to the method of Fig. 23, as described on Page 53 Line 32—Page 57 Line 23).

Each of Ellis, Walker, Russell, and McKissick demonstrate similar techniques for providing multimedia content using a media exchange server. McKissick further

demonstrates the known technique of providing media content from a first location to a second location, where the content is paid for at the first location. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the technique of Ellis, Walker, and Russell to include the program gifting technique of McKissick in order to raise revenue for the media producers.

However, the combination of Ellis, Walker, Russell, and McKissick does not explicitly demonstrate wherein said media is stored at said fourth location while the second location is busy, wherein said media is transferred from said fourth location to said second location when the second location is no longer busy.

In a similar field of invention, Ozzie teaches a method and system including a presence mechanism that maintains and distributes network connection status information (Abstract). In particular, Ozzie discloses that Device Presence Server 812 can be employed to ascertain whether an intended destination is online or offline (Col. 16 Lines 64-66; with further reference to Fig. 8). Additionally, Ozzie teaches that if a destination is offline, the communications can be made via Relay 814, which then forwards the message to its destination when it returns online (as described in Col. 16 Line 66—Col. 17 Line 30).

Each of Ellis, Walker, Russell, McKissick, and Ozzie demonstrate a technique for providing multimedia content using a media exchange server, where information is communicated between peer devices by way of the media exchange server. Ozzie similarly demonstrates a method and system for facilitating communication between peer devices and additionally demonstrates the known concept of storing data when an

intended destination is offline and forwarding the data when the destination is online. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis, Walker, and Russell to include the teachings of Ozzie in order to prevent unnecessary data transmission to a device that is not actively connected to a network, which would conserve network bandwidth.

However, Ozzies only explicitly describes “online” and “offline” states and does not explicitly demonstrate the second location in a “busy” state.

In a similar field of invention, Bavadekar teaches a system and method for two-way communication channels between entities of a network (Abstract). Bavadekar further demonstrates the known use of store-forward techniques when a client device is busy or offline (as described in Col. 2 Lines 51—Col. 3 Line 3).

Both Ozzies and Bavadekar teach similar store-and-forward techniques for use in a network messaging system. Bavadekar further demonstrates the typical use of the store-and-forward technique when a client device is busy. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the technique of Ellis, Walker, Russell, McKissick, and Ozzie to include the a store-and-forward technique accounting for a client device being in a busy state, as taught by Bavadekar, in order to increase the versatility of the media distribution system.

23. The limitations of Claim 12 have been address with the computing system of Claim 11 and the method of Claim 2.

24. The limitations of Claim 13 have been address with the computing system of Claim 11 and the method of Claim 3.

25. The limitations of Claim 14 have been address with the computing system of Claim 11 and the method of Claim 4.

26. The limitations of Claim 15 have been address with the computing system of Claim 11 and the method of Claim 5.

27. The limitations of Claim 16 have been address with the computing system of Claim 11 and the method of Claim 6.

28. The limitations of Claim 17 have been address with the computing system of Claim 11 and the method of Claim 7.

29. The limitations of Claim 18 have been address with the computing system of Claim 11 and the method of Claim 8.

30. The limitations of Claim 19 have been address with the computing system of Claim 11 and the method of Claim 9.

31. The limitations of Claim 20 have been address with the computing system of Claim 11 and the method of Claim 10.

32. In regards to Claim 21, Ellis teaches a system for providing media in a communication network (communications network of Fig. 1 that is further detailed in Fig. 7, as described in Col. 7 Line 33—Col. 8 Line 16, Col. 13 Lines 56-60, and Col. 14 Lines 34-39), the system comprising:

at least one processor that provides communications between a first location and a web server of a non-broadcast channel provider over the communication network, said web server residing at a third location (Contributor at User Equipment 34 (“first

location") of Fig. 1 (also shown as element 102 of Fig. 7) in communication with Program Schedule Database 54 ("third location") over Communications Network 40, as shown in Fig. 1 and described in Col. 3 Line 55—Col. 4 Line 41, Col. 4 Lines 59—Col. 5 Line 5. Where communication facilitated by the interface of Fig. 14, as described in Col. 11 Line 46—Col. 12 Line 16);

said at least one processor selects, at said first location, media offered by the non- broadcast channel provider, said media residing at a fourth location (interface of Fig. 14 allowing the Contributor to specify the location of the programming to be uploaded or provided in real time, as described in Col. 11 Lines 60-64; with further reference to Server 112 ("fourth location") of Fig. 7, as described in Col. 10 Lines 17-32);

said at least one processor generates a request from the first location (Contributor schedules programming at Step 220 of Fig. 15 using the interface of Fig. 14, as described in Col. 12 Lines 26-43; with further reference to Col. 3 Lines 55-66) to receive, at a second location that is remote to the first location, said media sourced by said non-broadcast channel providers (Viewer at User Equipment 38 of Fig. 1 (also shown as element 104 of Fig. 7) receiving media from Server 112 according to the schedule provided by Program Schedule Database 54 in accordance with the method of Fig. 17, as described in Col. 13 Line 54—Col. 14 Line 33), the generated request being sent from said web server at said third location to a media exchange server at a fifth location via the communication network that comprises Internet infrastructure (receive video at intermediate transmission facility at Step 224 of Fig. 15, such as Server 116

("fifth location") of Fig. 7, as described in Col. 12 Lines 44-46), wherein the media exchange server provides device ID registration (internet address information, as described in Col. 13 Line 66—Col. 14 Line 11), channel/program setup and management (interactive television program guide, as described in Col. 8 Line 37—Col. 9 Line 60), and device IP registration (internet address information, as described in Col. 13 Line 66—Col. 14 Line 11); and

said at least one processor provides, from said first location, authorization information to said web server of said non-broadcast channel provider, said web server at said third location providing said authorization information to said media exchange server at said fifth location via the communication network (Contributor establishes a password for personal television channel in Option 200 of Fig. 14 to ensure that only the Contributor is able to modify the data associated with the personal channel, as described in Col. 11 Lines 53-64), wherein said request and said authorization information received by said media exchange server at said fifth location cause the media exchange server to arrange for pushing of said media from a storage location at said fourth location to said second location (Program Schedule Database 54 provides media to Viewer according to schedule established by Contributor in accordance with Steps 238-248 of Figs. 17-18, as described in Col. 14 Lines 14-61; wherein the video may be received at an intermediate transmission facility, such as Server 112, as described in Col. 12 Lines 43-46).

Ellis describes a media exchange server, such as Server 116, acting as an intermediate transmission facility for the Contributor and the Data Storage Facility 52 in

order to provide media to the Viewer (as described in Col. 12 Lines 43-57), but does not explicitly disclose the media exchange server providing billing and service tracking, and serving as a proxy for anonymity; and receiving the media at the second location while keeping user and network details corresponding to said second location anonymous with respect to said web server at said third location and said storage location at said fourth location, the media exchange server serving as a proxy between at least said second location, said web server at said third location and said storage location at said fourth location.

In a similar field of invention, Walker teaches a system and method for establishing anonymous communications between a plurality of party terminals, a plurality of requestor terminals, and a central controller (Abstract). Walker describes Central Controller 200 serving as a proxy by controlling the flow of data to and from Party Terminals 300 and Requester Terminals 400, while maintaining the anonymity of the Party and Requester terminals (as described in Paragraphs [0046-0052, 0056, 0058, 0163] and as shown in Figs. 1 and 2A). Walker additionally discloses Central Controller 200 acting as a media exchange server (as described in Paragraph [0052]; with further reference to Storage Device 250 of Fig. 2A). Walker also teaches that Central Controller 200 “debits the requestor's billing account stored in Database 275 and transmits a bill to the requester” (Paragraph [0171]).

Both Ellis and Walker demonstrate similar techniques of providing multimedia content using a media exchange server. Ellis teaches a media exchange server, such as Server 116, acting as an intermediate transmission facility for the Contributor and the

Data Storage Facility 52 in order to provide media to the Viewer. Walker teaches Central Controller 200 acting as a media exchange server and additionally demonstrates the server acting as a proxy to provide anonymous communication between Party and Requester terminals. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis to operate as a proxy for anonymous communication, as taught by Walker, in order to protect the identity of the communicating parties (as Walker suggests in Paragraphs [0008-0009]).

The combination of Ellis and Walker teaches a media exchange server, but does not explicitly disclose the media exchange server providing digital rights management.

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Each of Ellis, Walker, and Russell demonstrate similar techniques for providing multimedia content using a media exchange server. Russell additionally teaches using a media exchange server to provide digital rights management. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis and Walker to include digital rights management, as taught by

Russell, in order to prevent the content from being decrypted without a valid and enabled license (as Russell discussed in Paragraph [0013]).

However, the combination of Ellis, Walker, and Russell does not explicitly disclose payment information originally generated at the first location to receive, at the second location, said media provided by said non-broadcast channel provider; and providing the payment information to said media exchange server.

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Each of Ellis, Walker, Russell, and McKissick demonstrate similar techniques for providing multimedia content using a media exchange server. McKissick further demonstrates the known technique of providing media content from a first location to a second location, where the content is paid for at the first location. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the technique of Ellis, Walker, and Russell to include the program gifting technique of McKissick in order to raise revenue for the media producers.

However, the combination of Ellis, Walker, Russell, and McKissick does not explicitly demonstrate wherein said media is stored at said fourth location while the second location is busy, wherein said media is transferred from said fourth location to said second location when the second location is no longer busy.

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Each of Ellis, Walker, Russell, McKissick, and Ozzie demonstrate a technique for providing multimedia content using a media exchange server, where information is communicated between peer devices by way of the media exchange server. Ozzie similarly demonstrates a method and system for facilitating communication between peer devices and additionally demonstrates the known concept of storing data when an intended destination is offline and forwarding the data when the destination is online. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the media exchange server of Ellis, Walker, and Russell to include the teachings of Ozzie in order to prevent unnecessary data transmission to a device that is not actively connected to a network, which would conserve network bandwidth.

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Both Ozzies and Bavadekar teach similar store-and-forward techniques for use in a network messaging system. Bavadekar further demonstrates the typical use of the store-and-forward technique when a client device is busy. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the technique of Ellis, Walker, Russell, McKissick, and Ozzie to include the a store-and-forward technique accounting for a client device being in a busy state, as taught by Bavadekar, in order to increase the versatility of the media distribution system.

33. The limitations of Claim 22 have been address with the system of Claim 21 and the method of Claim 2.

34. The limitations of Claim 23 have been address with the system of Claim 21 and the method of Claim 3.

35. The limitations of Claim 24 have been address with the system of Claim 21 and the method of Claim 4.

36. The limitations of Claim 25 have been address with the system of Claim 21 and the method of Claim 5.

37. The limitations of Claim 26 have been address with the system of Claim 21 and the method of Claim 6.

38. The limitations of Claim 27 have been address with the system of Claim 21 and the method of Claim 7.

39. The limitations of Claim 28 have been address with the system of Claim 21 and the method of Claim 8.

40. The limitations of Claim 29 have been address with the system of Claim 21 and the method of Claim 9.

41. The limitations of Claim 30 have been address with the system of Claim 21 and the method of Claim 10.

42. In regards to Claim 31 the combination of Ellis, Walker, and Russell teaches the system according to claim 21, wherein said at least one processor is one or both of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and/or a media peripheral processor (Ellis teaches that Servers such as 112 and 116 are media management system processors, as disclosed in Col. 7 Lines 33-63 and shown in Fig. 7).

## ***Conclusion***

43. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

44. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PATRICK A. RYAN whose telephone number is (571)270-5086. The examiner can normally be reached on Mon to Thur, 8:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Beliveau can be reached on (571) 272-7343. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. A. R./
Examiner, Art Unit 2427
Monday, April 18, 2011

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2427